

REMARKS

The Examiner has rejected the application on various bases. In response thereto, Applicant has amended the application so as to overcome the rejections and so as to otherwise place the application in condition for allowance.

Specifically, the Examiner has objected to the disclosure as it includes the term "means". Applicant has amended the abstract so as to remove the "means" language therefrom. Accordingly, this objection has been overcome.

The Examiner has objected to the drawings under 37 CFR 1.83(a) based on the contention that the drives arranged on the lifting platform as claimed in claim 3 are not shown in the drawings. Applicant has amended claim 3 such that the device as claimed is shown in the drawings. Specifically, as claimed, the drives can be arranged on the lifting platform or fixed relative to the rack aisle. Figures 1 and 2 show fixation relative to the rack aisle. With respect to the Examiner's contention that such an embodiment is unfavorable, Applicant submits that as explained at paragraph [0012] of the application as published (paragraph [0010] of the application as filed), the alternate configuration is an advantageous over the prior art of record, while it may not be as advantageous as the other disclosed embodiment. Applicant submits that in light of the amendments, this objection has been overcome.

The Examiner has rejected claims 1 through 5 under 35 U.S.C. §112, second paragraph, based on the contention that they are indefinite. In particular, with respect to claim 1, Applicant has made the following amendments:

- a comma has been inserted after "item" in claim 1, line 7;
- relative to the two different traction means, the traction means of the lifting apparatus has been amended to the "lifting traction means" and the traction means of the stabilising device

has been amended to the "stabilising traction means." These amendments have been carried through all of the claims;

- the stabilizing traction means have been positioned on "opposing sides" of the lifting platform, and the claim language at lines 17 and 18 of claim 1 pertaining to the "opposite to the direction of travel" has been deleted;

- the fastening points of each of the stabilising traction means are now "proximate" the respective end of the rack aisle, and "in a region of" has been deleted at each of lines 20 and 23 of claim 1;

- the claim language regarding the taut configuration of the stabilizing traction means at line 31 of claim 1 has been amended to delete "each desired position";

- Claim 2 has been amended so as to specifically claim four stabilizing traction means;

- Claim 3 has been amended as identified above;

- Claim 4 has been amended, wherein "flexible" has been deleted and "stabilisation" has been added so as to provide the proper antecedent basis; and

- Claim 5 has been amended to delete "those of the" and to clarify the drums.

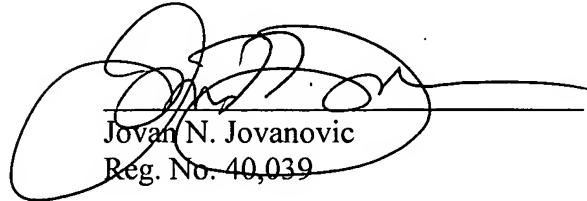
Applicant submits that the foregoing amendments to the claims resolve any issues that the Examiner has identified under 35 U.S.C. §112, second paragraph.

The Examiner has identified that the claims would be deemed allowable upon amendment to overcome the rejections under 35 U.S.C. §112, second paragraph. Accordingly, Applicant submits that the claims are now in condition for allowance. Reconsideration is respectfully solicited.

Should anything further be required, a telephone call to the undersigned is respectfully solicited.

Respectfully Submitted,

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